

Amendment and Response
Serial No.: 09/822,651
Confirmation No.: Unknown
Filed: 30 March 2001
For: WEB HAVING DISCRETE STEM REGIONS



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Remarks

The Office Action mailed 11 September 2001 has been received and reviewed. Claims 1-10 having been canceled and new claims 21-55 having been added, the pending claims are claims 21-55. Reconsideration and withdrawal of the rejections are respectfully requested.

Amendments to the Specification

The amendments to the specification are provided to correct grammatical errors and minor discrepancies in the application as filed. Applicants respectfully submit that no new matter is added by these amendments.

Rejections under 35 U.S.C. §§ 102 & 103

Applicants respectfully submit that the rejections of claims 1-10 have been rendered moot with the cancellation of those claims and the entry of the new claims presented above. Further, Applicants traverse the assertions made in support of those rejections.

For example, Applicants note that it was asserted in the Office Action that Miller (U.S. Patent No. 5,679,302) disclosed "a plurality of discrete regions" that included "a plurality of stems." Figure 8 of Miller et al. was relied on in support of the rejection. Although it appears that portions of the hook strip seen in Figure 8 are free of hooks, hooks are not depicted in areas of the hook strip only as a drafting expediency – not as disclosure of a feature of the invention described by Miller et al.. This interpretation of Figure 8 is supported by the portion of the specification which states that "the hooks of the novel mushroom-type hook strip should be distributed substantially uniformly over the entire area of the hook strip." Col. 4, lines 57-59 (emphasis added). In view of the above, Applicants respectfully submit that Miller et al. does not teach or suggest a hook strip including "a plurality of discrete regions" that include "a plurality of stems" as asserted in the Office Action.

Applicants also traverse the assertion that the hooks of Miller et al. are attached to a nonwoven web. It is noted that no portion of Miller et al. is cited in support of that assertion.

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Applicants note that Miller et al. disclose the hooks as releasably attaching to a nonwoven web (*see, e.g.*, Figure 4), but the hooks are not themselves formed on a nonwoven web. Rather, the same resin used to form the hooks also forms the backing of the hooks. *See, e.g.* Col. 3, lines 3-15.

Applicants also traverse the assertion that Miller et al. teaches "melt-entangled" stems as that term is used in connection with the present invention. The portions of Miller et al. cited in support of the assertion do not teach or suggest melt entanglement. Rather, they teach an integral layer of resin that forms a backing and the hooks. Melt entanglement is not discussed or suggested in Miller et al.

For an example with respect to the assertions regarding the teachings of Thomas et al. (U.S. Patent No. 5,326,415), Applicants traverse the assertion that Thomas et al. teaches stems that are "melt entangled" with the web on which they are located. The portion of Thomas et al. cited in support of this assertion discusses extrusion of the molten prong material through apertures in a printing cylinder. It does not teach melt entanglement of the prong material with the substrate.

Applicants also traverse the assertion that the print cylinder apertures and associated stems formed by the apertures disclosed by Thomas et al. are separated into discrete regions. The Office Action cites Figure 4 of Thomas et al. as support for this assertion. As with Figure 8 of Miller et al., Applicants submit that only some of the apertures are drawn in Figure 4 as a drafting expediency, with the double lines extending about the circumference of the print cylinder indicating that the aperture structure is continuous about the circumference of the print cylinder.

The statement cited in the Thomas et al. specification as support for this assertion does not teach stems located in discrete regions. In fact, Thomas et al. teaches away from spacing the stems in a plurality of discrete regions as asserted in the Office Action. Thomas et al. instead teaches that the stems should be evenly spaced. *See, e.g.*, Col. 12, line 65 to Col. 13, line 9.

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Summary

It is respectfully submitted that the pending claims 21-55 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for

Scott J. TUMAN et al.

By:

Mueting, Raasch & Gebhardt, P.A.

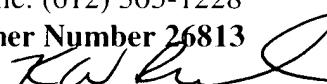
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this paper is being deposited with the United States Postal Service as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this 11th day of March, 2002.

By: 
Printed Name: Kevin W. Raasch



APPENDIX A - SPECIFICATION/CLAIM AMENDMENTS
INCLUDING NOTATIONS TO INDICATE CHANGES MADE
Serial No.: 09/822,651
Docket No.: 54407US006

Amendments to the following are indicated by underlining what has been added and bracketing what has been deleted. Additionally, all amendments have been marked in bold typeface.

In the Specification

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The paragraph beginning at page 5, line 3, has been amended as indicated below.

In specific embodiments of the invention, the discrete regions 14 cover between 20 and 80 percent of the surface of the web 10 on which they are positioned. In other embodiments, the discrete regions 14 cover between 1 and 99 percent, between 5 and 70 percent, between 10 and 50 percent, or between 5 and 25 percent of the surface of the web 10 on which they are positioned. The discrete regions 14 may be separated from one another by various distances. For example, the regions 14 may be separated by an average of approximately 0.05 and 30 centimeters; or by an average of between 1 and 4 centimeters. In certain embodiments, the distance between the regions 14 is identified as a multiple of the distance between stems, such as 10 times the distance between the center of adjacent stems. Thus, for example, when the stems in a region are .05 centimeters apart, the regions can be 0.5 centimeters apart. In other implementations, the [stems] regions 14 are 2, 50, 300, or more times the distance between the center of the stems. In some embodiments, the regions 14 may be continuous in one direction such as ribbons running down-web in a zig-zag or straight line configuration.

The paragraph beginning at page 15, line 23, has been amended as follows:

Examples 7-11 demonstrate [**construction**] **constructions** having various inelastic substrates [**that were both substantially and substantially non-breathable**].